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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,647	03/23/2004	Rosa Wilkins-Langie	WIL1.PAU.01	3897
<div>7590 12/27/2007</div> <div>Joseph C. Andras MYERS DAWES ANDRAS & SHERMAN LLP Suite 1150 19900 MacArthur Blvd. Irvine, CA 92612</div>			<div>EXAMINER</div> <div>MAI, TRI M</div>	
			<div>ART UNIT</div> <div>3781</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>12/27/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/807,647	Applicant(s) WILKINS-LANGIE ET AL.	
	Examiner Tri M. Mai	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6-10,12,13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-10,12,13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

1. Claims 1, 10, 12, and 13 and are rejected under 35 U.S.C. 102 (b) as being anticipated by Scicluna et al. (20040108179) or in the alternative under 35 U.S.C. 103 (a) as being unpatentable over Scicluna in view of Godshaw (6883654). Scicluna teaches a utility bag having a vertically stacked position as shown in Fig. 2, and horizontally position as shown in Fig. 5. It is noted the lower compartment with the opening facing, the middle compartment opening facing downward (note that in the stacked position the opening with portion 96 facing downward, and the upper compartment facing upward (the opening with flap 90 facing upward in the stacked position). The upper compartment having a lid portion 96 selectively covering its opening having a central handle 26 for carrying the utility bag. The bag being movable from the vertically stacked position to the horizontal position. Note the first and second articulations at 48 and 38a on opposite sides as shown in Fig. 5 and the three compartment facing upward as shown in Fig. 5. It is noted that the term "central handle" does not impart any structure over the handles 26. In the very least, when the handle is located centrally when the two handle comes together at the middle or the each of the handle centrally located with respect to the length dimension of the luggage.

Note the strap is the portion 78.

Regarding claim 12, Godshaw teaches that it is known in the art to provide mesh pockets 77. It would have been obvious to one of ordinary skill in the art to provide mesh pocket to enable one to see the inside contents.

2. Claims 3, 8, 9, and 15 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Scicluna in view of Bernbaum (6644448). Scicluna meets all claimed limitations except for the pockets. Bernbaum teaches that it is known in the art to provide mesh pockets as shown in Fig

1, 4, , Thus, It would have been obvious for one of ordinary skill in the art to provide pockets in one of the compartment as taught by Bernbaum to enable one to store addition contents for easy access.

Regarding claim 9, Bernbaum teaches that it is known in the art to provide straps as shown in Fig. 11. It would have been obvious to one of ordinary skill in the art to provide straps as taught by Bernbaum to provide added security.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scicluna et al. in view of Tong. It would have been obvious to one of ordinary skill in the art to provide mesh internal pocket as taught by Tong, see Fig. 5, to separate the contents easily.

4. Claims 15-17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Scicluna in view of Abraham et al. (6073738). Scicluna meets all claimed limitations except for separator flap securing an interior of the first and middle compartment. Abraham teaches that it is known in the art to provide a separator flap with pockets as shown in Fig. 7. It would have been obvious for one of ordinary skill in the art to provide a separator flap securing to an interior of the middle and first compartments as taught by Abraham to enable to separate the contents in each compartment easily.

5. Claims 1, 3, 8, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernbaum et al. (20040045780) in view of Godshaw. Bernbaum teaches a three stacked compartment with the openings facing upward in Fig. 21 and these compartments would inherently arrange in the manner as claimed. This embodiment does not teach the central handle. Godshaw teaches that it is known in the art to provide a central handle as shown in Fig. 1. It would have been obvious to one of ordinary skill in the art to provide a central handle to provide

an alternative device to enable one to carry the device easily. Bernbaum teaches that it is known in the art to provide mesh pockets as shown in Fig 1, 4. Thus, it would have been obvious for one of ordinary skill in the art to provide pockets in one of the compartment as taught by Bernbaum to enable one to store addition contents for easy access.

Regarding claim 9, Bernbaum teaches that it is known in the art to provide straps as shown in Fig. 11. It would have been obvious to one of ordinary skill in the art to provide straps as taught by Bernbaum to provide added security.

Regarding claim 10, Bernbaum teaches that it is known in the art to provide zipper to secure the compartments together at 16h, 8B IV. Thus, to use zipper to secure the compartments together would have been obvious.

6. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scicluna et al. or Bernbaum rejections, as set forth in paragraph xxx, and further in view of Young (6015072). It would have been obvious to one of ordinary skill in the art to provide removable plastic liner as taught by Young, shown in Fig. 2 to provide added protection for the contents.

7. Claims 12-13, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernbaum rejection as set forth in paragraph 5, and further in view of Abraham et al. Bernbaum meets all claimed limitations except for the separator flap (cl. 15-17), the strap (cl. 13, and the internal pocket (cl. 12). Abraham teaches that it is known in the art to provide a separator flap with mesh pocket (Fig. 7), straps (Fig. 6) as shown in Fig. 7. It would have been obvious for one of ordinary skill in the art to provide a separator flap securing to an interior of the middle and first compartments as taught by Abraham to enable one to separate the contents easily and to provide additional storage space in each compartment.

8. Applicant's arguments have been fully considered but they are not persuasive. Applicant assertion that Bernbaum does not have any central handle has been addressed in the rejection of Bernbaum in view of Godshaw. Furthermore, applicant asserts that Scicluna simply shows handle on an end wall. The examiner submits that there is a handle 26 on the upper compartment, and this handle is centrally located, i.e., when the two straps 26 coming together, there would be a handle centrally located similar to that of Bernbaum in the embodiment of Fig. 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner

